

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 55 717X

October 4, 2011

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on September 16, 2011, for public review and comment. In the EA, OEA recommended 3 environmental conditions.

OEA has received one comment on the EA issued on September 16, 2011. CSX submitted a letter requesting that the Board decline to impose environmental condition No. 2 as recommended in the EA:

CSX shall ensure that Phase I and Phase II reports addressing soil and groundwater impacts are submitted to DERM's [Miami-Dade County Department of Environmental Resources Management] Pollution Control Division for its review.

CSX explains that it has sold its real estate, track, and track materials to the Florida Department of Transportation (FDOT) and that FDOT would undertake salvage activities on the line proposed for abandonment. Because CSX would simply be terminating its rail service on the line, the Board should not impose the condition recommended by OEA.

It is well established that the Board, through OEA, satisfies its responsibilities under the National Environmental Policy Act in rail abandonment proceedings by assessing the environmental impacts of diversion of rail traffic and salvage of the rail line. Here, CSX has filed with the Board for the authority to abandon the line, but would not salvage because it no longer owns the tracks, ties, and real estate. Consistent with the Board's practice in other, similar abandonment cases where another entity other than the abandoning carrier would conduct salvage of the rail line, OEA recommended that the Board impose a condition on CSX requiring it to ensure that salvage is conducted in a certain way.

It was not our intent to require CSX to prepare the Phase I and Phase II reports addressing soil and groundwater impacts. It was our intent to require CSX to ensure that the reports prepared by FDOT are submitted to DERM.

Therefore, upon further review OEA believes that environmental condition No. 2, as recommended in the EA should be modified to read as follows:

CSX shall ensure that Phase I and Phase II reports prepared by the Florida Department of Transportation addressing soil and ground impacts are submitted to the Maimi-Dade County Department of Environmental Resources Management's Pollution Control Division for its review.

In addition, OEA also makes one minor correction to the EA. In the EA, OEA incorrectly referred to the filing as a 'petition' rather than a 'notice'.

Conclusions

The EA comment period has ended. Accordingly, OEA recommends that conditions No.1 and No. 3 as recommended in the EA, and condition No. 2, as modified by the recommendations in this document, should be imposed upon any decision granting abandonment authority. The conditions are:

- 1. Because water and sewer lines are located within the vicinity of the proposed abandonment CSX shall ensure that extra care is taken to protect the County's water distribution and sewage collection systems.**
- 2. CSX shall ensure that the Phase I and Phase II reports prepared by the Florida Department of Transportation addressing soil and ground impacts are submitted to the Maimi-Dade County Department of Environmental Resources Management's Pollution Control Division for its review.**
- 3. CSX must consult with the Maimi-Dade County Department of Environmental Resources Management's Pollution Control Division regarding the adequacy of FDOT's Salvage Scope of Work, whether any properties near the proposed abandonment require contamination assessment or remediation, and whether permits are required to address stormwater runoff and dewatering resulting from salvage activities.**

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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